
WELSH STATUTORY INSTRUMENTS

2018 No. 1064

The Plant Health (Wales) Order 2018

PART 6

Measures to control the landing of relevant material and prevent the spread of plant pests

Actions which may be required by an inspector

32.—(1) If an inspector has reasonable grounds for suspecting that any plant pest or relevant material is likely to be or has been introduced into Wales in contravention of this Order, the inspector may serve a notice on an appropriate person.

(2) An appropriate person is—

- (a) a plant trader or other person who is in possession of or who is in any way entitled to the custody or control of the plant pest or relevant material; or
- (b) any person who is in charge of the premises at which the plant pest or relevant material is held or is likely to be held on its landing.

(3) A notice under paragraph (1) may—

- (a) prohibit the landing of any plant pest or relevant material;
- (b) specify the manner in which the landing of any plant pest or relevant material is to be carried out and the precautions which are to be taken during and subsequent to landing;
- (c) require any plant pest or relevant material to be treated, re-exported, destroyed or otherwise disposed of;
- (d) prohibit the removal of any plant pest or relevant material from the premises for the period specified in the notice and, where appropriate, impose any other prohibitions which the inspector considers necessary to prevent the introduction or spread of any plant pest;
- (e) require the removal of any plant pest or relevant material from the premises specified in the notice;
- (f) require the taking of any other steps, as may be specified in the notice, which the inspector considers necessary to prevent the introduction or spread of any plant pest.

(4) If an inspector has reasonable grounds for suspecting that there is present or likely to be present on any premises any controlled plant pest or prohibited material, the inspector may serve a notice on the occupier or any other person in charge of the premises or the plant pest or relevant material.

(5) A notice under paragraph (4) may—

- (a) require any controlled plant pest or prohibited material to be treated, re-exported, destroyed or otherwise disposed of;
- (b) prohibit the removal of any controlled plant pest or prohibited material from the premises for the period specified in the notice and, where appropriate, impose any other prohibitions

which the inspector considers necessary to prevent the introduction or spread of any controlled plant pest;

- (c) require the removal of any controlled plant pest or prohibited material from the premises specified in the notice;
- (d) require the taking of any other steps, as specified in the notice, which the inspector considers necessary to prevent the introduction or spread of any controlled plant pest.

(6) If an inspector has reasonable grounds for believing that it is necessary for the purpose of preventing the spread of or ensuring the eradication of any controlled plant pest from the premises mentioned in paragraph (4), the inspector may serve a notice on the occupier or a person in charge of any other premises, imposing any prohibition or requiring any reasonable step to be taken for that purpose.

(7) In this article—

- (a) “controlled plant pest” (“*pla planhigion a reolir*”) means—
 - (i) a plant pest of a description specified in Schedule 1 or in column 3 of Schedule 2;
 - (ii) a plant pest which is not normally present in Great Britain, but in respect of which the inspector considers that there is an imminent danger of the plant pest spreading or being spread in Great Britain; or
 - (iii) a plant pest which is not normally present in another part of the European Union, but in respect of which the inspector considers that there is an imminent danger of the plant pest spreading or being spread to another part of the European Union;
- (b) “prohibited material” (“*deunydd gwaharddedig*”) means—
 - (i) relevant material which is carrying or is infected with, or which may be carrying or infected with, a controlled plant pest; or
 - (ii) relevant material the landing of which is prohibited under article 5 or 18 or the movement of which in Wales is prohibited under article 20.